

EXHIBIT 81

**PERSHING
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PER-0862
APP 0862

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LYNNE TURK, individually and as
Trustee of the Lynne Caponera
Revocable Trust, et al. on behalf
of themselves and all others
similarly situated, Plaintiffs

v.

PERSHING LLC, et al., Defendant

Civil Action No 3:09-cv-02199-N

Judge: Hon. David C. Godbey

Mag.: Hon. Nancy M. Koenig

DECLARATION OF ANTONIO GIDI

I. INTRODUCTION

A. The Consultation

1. I have been asked to provide an opinion with respect to the likelihood that certain Latin American countries will recognize and accord preclusive effect to a class action judgment in the above-captioned action pending in the United States District Court for the Northern District of Texas, Dallas Division.
2. To prepare this Declaration, I have considered the following materials provided to me by counsel for the Defendants: Plaintiffs' Motion for Class Certification, for Designation of Class Representatives and Class Counsel,; Brief in Support of Plaintiffs' Motion for Class Certification, for Designation of Class Representatives and Class Counsel, Plaintiffs' Second Amended Consolidated Complaint - Class Action; Declaration of Receiver Ralph S. Janvey dated October 30, 2014 (the "Janvey Declaration") with Exhibits A-C (which includes Order of Notice and Proof of Claim, May 4, 2012; Notice of Bar Date and Procedures for Submitting Proofs of Claim; Notice of Last Day to Submit a Proof of Claim Form; Notice of Deficiency; Notice of Determination; Settlement Agreement and Cross-Border Protocol).
3. I reserve the right to supplement or modify my opinions expressed herein, particularly in light of any new arguments raised or materials presented by Plaintiffs in this case.

4. I am being compensated for my work in connection with this case at my customary consulting rate of U.S. \$ 500.00 per hour.

B. Summary of Opinions

5. The Motion for Class Certification ignores the issue whether foreign jurisdictions would enforce the U.S. class action judgment or settlement emanating from this lawsuit.
6. The issue addressed in this Declaration is whether these foreign countries would recognize a class action judgment or settlement in a U.S. opt-out action against the interests of foreign nationals, so that absent class members would be bound by any such judgment. For the reasons explained below, I conclude that (1) Venezuela, (2) Panama, and (3) Mexico would not.¹

C. Qualifications

7. Class actions have been the subject of my continuous research for the past twenty-five years. After graduating from law school in Brazil, I completed a three-year Master's Degree program in Civil Procedure at PUC-São Paulo. My Masters in Law dissertation was published in 1995 as a 250-page book on *res judicata* and *lis pendens* in Brazilian class actions.²
8. Following my Master's Degree, I lived for more than a year and a half in Italy, where I studied Italian Civil Procedure at the University of Milan, with special attention to the development of class actions in that country. I also studied the development of class actions in France for approximately five months, at the University of Paris I Law School (Panthéon-Sorbonne).
9. In 1996, I moved to the United States to continue my research on American class actions. During my years as a Visiting Scholar in the United States, I finished two doctorates in law, one in Brazil (PUC-São Paulo) and another doctorate at the University of Pennsylvania Law School. The respective doctoral theses were a 600-

¹ Unless otherwise noted, all translations of foreign documents are my own.

² See ANTONIO GIDI, COISA JULGADA E LITISPENDÊNCIA EM AÇÕES COLETIVAS (1995).

page treatise about American class actions³ and a paper on Brazilian class actions.⁴ I also published a paper about Peruvian class actions.⁵

10. In 2005, I published a Model Class Action Code for Civil Law Countries.⁶ This model code was the culmination of more than a decade of study with the objective of creating class action legislation for civil law countries. This project has been translated into several languages and published in several countries.⁷ In addition, I was one of the three General Reporters of the Class Action Model Code for Latin American Countries, a project sponsored by the Ibero-American Institute of Civil Procedure, which was the product of four years of study, analysis, and drafting by eleven legal scholars from various Latin American countries.⁸ Following that work, I co-edited three books in Mexico about the Ibero-American project, coordinating the scholarship of more than sixty class action scholars from Latin America and all over the world.⁹
11. My class action research led to invitations from the Brazilian Ministry of Justice and from the Mexican Senate to consult on class action legislation. I was one of the main

³ See ANTONIO GIDI, A CLASS ACTION COMO INSTRUMENTO DE TUTELA COLETIVA DOS DIREITOS (2007).

⁴ See Antonio Gidi, *Class Actions in Brazil – A Model for Civil Law Countries*, 51 AM. J. COMP. L. 311 (2003).

⁵ See Antonio Gidi, *Comentarios al art. 82 del Código Procesal Civil Peruano*, in JOHAN S. CAMARGO ACOSTA (ED.), I CÓDIGO PROCESAL CIVIL COMENTADO POR LOS MEJORES ESPECIALISTAS 360 (2010) (describing and critiquing the Peruvian class action).

⁶ See Antonio Gidi, *The Class Action Code: A Model for Civil-Law Countries*, 23 ARIZ. J. INT'L & COMP. L. 37 (2005).

⁷ See, e.g., Gidi, *Código de Processo Civil Coletivo. Um Modelo Para Países de Direito Escrito*, 111 REPRO 192 (2003) [**Brazil**]; Gidi, *Código de Proceso Civil Colectivo. Un Modelo Para Países de Derecho Civil*, 11 REVISTA PRÁCTICA DE DERECHO DE DAÑOS 56 (2003) (translated into Spanish by Adriana León and Joaquín Silguero Estagnan) [**Spain**]; also published in XXVI CONGRESO COLOMBIANO DE DERECHO PROCESAL, UNIVERSIDAD LIBRE 601 (2005) [**Colombia**]; also published in EDUARDO OTEÍZA (ORG.). PROCESOS COLECTIVOS 463 (2006) [**Argentina**]; also published in 126 REVISTA JURÍDICA DEL PERU 93 (2011) [**Peru**]; also published in 16 REVISTA VASCA DE DERECHO PROCESAL Y ARBITRAJE 753 (2004) [**Spain**]; Gidi, *Il codice del processo civile collettivo. Un modello per i paesi di diritto civile*, RIVISTA TRIMESTRALE DI DIRITTO E PROCEDURA CIVILE, Anno LIX Fasc 2, 2005, p. 698-711 (translated into Italian by Alessandro Barzaghi) [**Italy**]; Gidi, *Le Code de L'Action Collective: Un Modèle Pour les Pays de Droit Civil*, in CLOSET-MARCHAL & COMPERNOLLE (EDS.) VERS UNE "CLASS ACTION" EN DROIT BELGE? 147-63 (2008) (translated into French by M. Guy Sohou and Caroline Gilbert, with an introductory study in Dutch by Stefaan Voet) [**Belgium**]; GIDI, LAS ACCIONES COLECTIVAS (2004) [**Mexico**]; Gidi, 附录:集团诉讼条例(专家建议案)—大陆法系国家模板, 2014 XIAMEN UNIVERSITY L. REV. 271 [**China**]; الگویی جمعی دعوی قانون لا سیویل سیستم کشور های برای [**Iran**].

⁸ See Ada Pellegrini Grinover, Kazuo Watanabe & Antonio Gidi, *Código Modelo de Procesos Colectivos para Iberoamérica*, 9 REVISTA IBEROAMERICANA DE DERECHO PROCESAL 251 (2006).

⁹ See ANTONIO GIDI AND EDUARDO FERRER (EDS.), CÓDIGO MODELO DE PROCESOS COLECTIVOS. UN DIÁLOGO IBEROAMERICANO (2009); ANTONIO GIDI AND EDUARDO FERRER (EDS.), PROCESOS COLECTIVOS, 2nd edition (2004); ANTONIO GIDI AND EDUARDO FERRER (EDS.), LA TUTELA DE LOS DERECHOS DIFUSOS, COLECTIVOS E INDIVIDUALES HOMOGÉNEOS, 2nd edition (2004). One of these books was later published in Brazil as well.

drafters of the proposed Class Action Bill in Brazil¹⁰ and of the Class Action Law in Mexico, enacted in 2011.¹¹ I have also published a 500-page monograph on the subject of class action codification in Brazil and in civil-law countries in general.¹²

12. Most recently, I have published three articles in English about preclusion in the context of class actions and the recognition of class action judgments abroad.¹³
13. Although my main area of expertise is class actions, I also study comparative civil procedure and international litigation in general. From 1997 to 2005, I served as Associate Reporter to The American Law Institute's project on Principles and Rules of Transnational Civil Procedure, a project geared towards creating uniform rules of civil procedure for international litigation. After completion and final approval, the Principles of Civil Procedure was published by Cambridge University Press in 2006.¹⁴ This project has been published in several languages and in several countries. In 2009, I co-published a book on Comparative Law with Foundation Press and was in charge of the chapters on comparative civil procedure.¹⁵ This book is widely used in American law schools.
14. I have taught Civil Procedure, Class Actions, Complex Litigation, Comparative Civil Procedure, and Comparative Law in the United States for the past fifteen years, first as an Adjunct at the University of Pennsylvania Law School, then as an Associate Professor at the University of Houston Law Center, and finally at Syracuse University College of Law. I have participated in conferences, presented papers, and taught in numerous Latin American countries and Europe, mostly about class actions, but also about domestic civil procedure, comparative civil procedure, and international litigation.
15. I have not testified as an expert at trial or by deposition in the previous four years.
16. I attach my *curriculum vitae* as **Exhibit A** hereto.

D. Overview

¹⁰ See Federal Bill Number 5,139 of 2009.

¹¹ See Federal Decree of August 30, 2011.

¹² See ANTONIO GIDI, *RUMO A UM CÓDIGO DE PROCESSO CIVIL COLETIVO* (2008).

¹³ See Antonio Gidi, *Loneliness in the Crowd: Why Nobody Wants Opt-Out Class Members to Assert Offensive Issue Preclusion Against a Class Defendant*, 66 SMU L. REV. 1 (2013); *Recognition of U.S. Class Action Judgments Abroad*, 37 BROOKLYN J. INT'L L. 893 (2012); *Issue Preclusion Effect of Class Certification Orders*, 63 HASTINGS L.J. 1023 (2012).

¹⁴ See THE AMERICAN LAW INSTITUTE, *PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE* (Cambridge University Press 2006) (ALI/UNIDROIT Associate Reporter and Secretary) (with Hazard, Stürner, and Taruffo).

¹⁵ See UGO MATTEI, TEEMU RUSKOLA & ANTONIO GIDI, *SCHLESINGER'S COMPARATIVE LAW* (2009).

17. This is an issue of first impression. Despite the fact that recognition of foreign judgments is a frequently-arising issue, I am not aware of any case in which an opt-out class action judgment or settlement was recognized and enforced in any Latin American country.
18. The recognition and enforcement of class action judgments in Latin America present some very specific considerations that do not arise in the context of traditional litigation.
19. The issue is not whether a traditional U.S. judgment in an individual lawsuit between one plaintiff and one defendant would be recognized or enforced in Latin America. Nor is the issue here whether a U.S. class action money judgment favorable to the plaintiff class would be enforced in Latin America if a class member wants to enforce it against the defendants.
20. Rather, the issues at stake are:
 - (1) whether a U.S. class action judgment against the interest of the class would bar class members from bringing individual (or class) claims against the same defendant(s) in Latin America; and
 - (2) whether a U.S. class action judgment (or settlement) partly in favor of the class, but that a class member finds unsatisfactory for any reason, would bar class members from bringing individual (or class) claims against the same defendant(s) in Latin America for the remainder of the claim.
21. These are the issues. Thus, I will not discuss the requirements that the *defendants* be properly served with process and have an opportunity to present their case. Nor will I discuss whether this Court has jurisdiction over the *defendants* under U.S. law or Latin American law. In my opinion, those issues are irrelevant.
22. In a class action, the traditional issues are reversed: it is necessary to look not to the defendant, but to the absent members of the plaintiff class. **The issue addressed in this Declaration, therefore, is whether a U.S. class action judgment (or settlement) that is totally or partially against the interest of class members is binding on the class members who are domiciled in Latin American countries and who did not personally appear in the class action. The issue is whether a Latin American country would recognize an opt-out class action judgment to bar relitigation of the same claim in Latin America by Latin American citizens.**

23. I conclude that the courts in Latin American countries, generally, and in (1) Venezuela, (2) Panama, and (3) Mexico in particular, would rule in the negative.¹⁶ Three general obstacles to recognition of opt-out class action judgments are relevant here:

(1) first, an opt-out class action for damages would violate the public policy of those Latin American countries that: (a) do not have class actions for damages; (b) have class actions, but only give them preclusive effect if the judgment is favorable to the class; or (c) have only opt-in class actions;

(2) second, Latin American countries will demand that parties and absent class members in a foreign proceeding be personally served with process and have an opportunity to present their claims. Latin American countries are not likely to recognize a foreign judgment that binds their domiciliaries in a proceeding in a foreign country, including the U.S., in which those domiciliaries did not voluntarily participate and to which they were not made parties through service of process performed through internationally acceptable means (rogatory letters); and

(3) third, Latin American countries would rule that U.S. courts have no jurisdiction over Latin American class members who acquired their CDs outside of the United States. This analysis turns not on whether the U.S. court concluded that it could properly exercise jurisdiction over the absent plaintiffs under the due process clause of the United States Constitution, but instead on generally established principles of jurisdiction under international law.

24. My analysis proceeds in two parts. First, I discuss the general obstacles to recognition in Latin America of a U.S. opt-out class action judgment for damages. Second, I provide a country-by-country analysis of these general principles to conclude that Venezuela, Panama, and Mexico would not recognize a judgment in an opt-out class action for damages to preclude a claim by an absent class member.

II. OBSTACLES TO RECOGNITION AND ENFORCEMENT

A. Opt-Out Class Action Judgments Violate Public Policy

25. It is my professional opinion that the large majority if not all Latin American countries will not recognize or enforce a U.S. class action judgment because an opt-out class action for damages would violate their public policy.

¹⁶ Although my analysis applies to the vast majority, if not all, Latin American countries, I only specifically address Venezuela, Panama, and Mexico.

26. As discussed in more detail below, there are three independent, and sometimes overlapping, reasons why recognition of an opt-out class action for damages as binding on absent class members would violate the public policy of certain Latin American countries. First, it would violate the public policy of countries that do not have class actions for damages. Second, it would violate the public policy of countries that give preclusive effect only to a class action judgment that is favorable to the class. Third, it would violate the public policy of countries that have adopted an opt-in class action mechanism.
27. The first reason is that several Latin American countries simply do not have class actions *for damages* in statutes, rules, or case law. Some of these countries may have injunctive class actions with different levels of sophistication, ranging from a more liberal injunctive class action for the protection of the environment or consumers to a very limited type of injunctive class action for the protection of the public interest.¹⁷
28. The prevailing rule in these countries is that someone may be deprived of their personal rights in courts *only* through due process of law. Due process of law includes the need to be personally served with process and granted a reasonable opportunity to present claims and defenses. The idea that individuals may have their rights decided in court without receiving service of process and becoming a formal party is unacceptable: there is no such thing as an unnamed or absent class member in these Latin American countries.
29. Class actions for damages, particularly opt-out class actions, are so alien to the procedural law of these countries as to be considered a violation of due process of law and against these countries' public policy and constitutional values. Therefore, these countries would not recognize a U.S. opt-out class action judgment issued against the interests of their domiciliaries.
30. A second reason that a U.S. opt-out class action judgment would be against the public policy of certain Latin American countries arises from differences between the *res judicata* law of those jurisdictions and that of the United States. In some Latin American countries, a class action judgment is binding only to the extent that it is favorable to the interests of the class members. Therefore, a judgment for defendants or a judgment or settlement that is for less than the full amount of the claim is not binding on the class members.
31. In addition, in some Latin American countries, plaintiffs who present new evidence or even raise new facts would be able to bring the same class action or a corresponding individual action. Although the concepts of "new evidence" and "new facts" are not clearly defined, in my opinion, they encompass both: (1) evidence or facts that were

¹⁷ See José Carlos Barbosa Moreira, *A ação popular do direito brasileiro como instrumento de tutela jurisdiccional dos chamados interesses difusos*, in TEMAS DE DIREITO PROCESSUAL (1977) (discussing the Roman *actio popularis* as an injunctive class action).

available at the time of the proceeding but not produced (with or without due diligence); and (2) evidence or facts that were unavailable.¹⁸

32. These flexible and liberal *res judicata* rules regarding class judgments exist throughout Latin America. Binding an absent class member to an adverse judgment in a proceeding in which he or she did not participate or expressly join would be against these countries' due process of law, public policy, and constitutional values. Therefore, these countries would not recognize a U.S. opt-out class action judgment issued against the interests of its domiciliaries.
33. Third, countries that have adopted an opt-in class action mechanism would not recognize a judgment rendered in an opt-out class action. The adoption of opt-in, instead of opt-out, class actions stems from the widespread perception that binding an absent class member to a judgment in a proceeding in which he or she did not participate or expressly join would be a violation of due process of law and against the countries' public policy and constitutional values.¹⁹ Therefore, a country that has adopted an opt-in class action mechanism would not recognize a U.S. opt-out class action judgment issued against the interests of their domiciliaries.

B. Formal Service of Process to Class Members through Rogatory Letters is Essential to Foreign Judgment Recognition and Enforcement in Latin America

34. As in the United States, a key requirement of due process of law in Latin America is that a party be provided adequate notice and an opportunity to participate in the proceedings. These Constitutional requirements must be evaluated under the standard of the State of enforcement.
35. For example, the Bustamante Code requires "personal service of process to the parties or to a legal representative."²⁰ A similar requirement is found in Article 2(e) of the 1979 Inter-American Convention on the Extraterritorial Validity of Foreign Judgments and Arbitral Awards: "The plaintiff has been summoned or subpoenaed in due legal form substantially equivalent to that accepted by the law of the State where the judgment, award or decision is to take effect."

¹⁸ See ANTONIO GIDI, COISA JULGADA E LITISPENDÊNCIA EM AÇÕES COLETIVAS 131-38 (1995) (discussing the concept of "new evidence" for purposes of bringing the same class action again); Antonio Gidi, *cosa juzgada en acciones colectivas* in ANTONIO GIDI AND EDUARDO FERRER (EDS.), LA TUTELA DE LOS DERECHOS DIFUSOS, COLECTIVOS E INDIVIDUALES HOMOGÉNEOS 280-84 (2004) (idem).

¹⁹ Mexico, for example, has adopted an opt-in class action mechanism, and thus a judgment issued in an opt-out class action would not be recognized or enforced in that country.

²⁰ See Bustamante Code, Article 423.2: "Que las partes hayan sido citadas personalmente o por su representante legal, para el juicio." (that the parties have received service of process either personally or through their legal representative). The Bustamante Code is a treaty in force in several Latin American countries, including Ecuador, El Salvador, Panama, and Peru. It deals with private international law, including the enforcement of foreign judgments.

36. Service of process on a party domiciled abroad must be effectuated in a manner that is internationally accepted if a judgment is to be recognized abroad. For example, a large number of Latin American countries (including all countries specifically discussed in this Declaration) are signatories to the Inter-American Convention on Letters Rogatory, as is the United States. Most Latin American countries will not accept anything short of service by rogatory letter²¹ as adequate service of process on their residents for purposes of granting *exequatur* on a foreign judgment²²—they will not accept service of process by publication, they will not accept service of process by letter, and they will not accept service of process through the attorney.²³ *A fortiori*, a simple “adequate class action notice” is insufficient.
37. An integral part of notice (and due process of law) is the idea of participation in the proceeding and the opportunity to present claims and defenses. For example, according to Article 23(f) of the 1979 Inter-American Convention on the Extraterritorial Validity of Foreign Judgments and Arbitral Awards, a foreign judgment would be recognized only if “the parties had an opportunity to present their defense.”
38. Naturally, an opportunity to present one’s claims or defenses is irrelevant when the claimant makes and prevails in all possible claims of a proceeding. The problem only arises when the person who did not have such an opportunity loses the case, loses one or more claims, or fails to assert a claim. That is when the lack of participation is relevant.
39. Typically, we speak of notice or service of process to a defendant. We do so because the plaintiff was the one who originally brought a lawsuit and needs no notice about it. It would be indeed outrageous if a plaintiff would require to receive notice of the lawsuit he or she brought. In the class action setting, however, in addition to the defendant, absent class members also need to be notified of the filing of a class action brought on their behalf.

²¹ See Bustamante Code, Article 388 (“all judicial activity that one member state need to practice in another will be performed through letter rogatory. . . .”) and Article 427 (“the service of process of whoever must be heard will be performed through letter rogatory according to this Code”); see also Julie C. Ferguson and David A. Pearl, *International Litigation in the Hemisphere*, 13 AM. U. INT’L L. REV. 953, 959 (1998) (“A letter of request has been the customary and preferred method for transnational service of process in most civil law countries.”).

²² See Ferguson & Pearl, *supra* note 22, at 959, (“[I]f counsel will need to enforce a foreign judgment in [a Latin American country], counsel should make sure that service is effected in accordance with the laws of that country as well.”); Maria Angela Jardim de Santa Cruz Oliveira, *Recognition and Enforcement of United States Money Judgments in Brazil*, 19 N.Y. INT’L L. REV. 1, 14 (2006) (“[I]f the respondent is domiciled in Brazil, notice of process must comply with Brazilian law, in that the foreign country must send a rogatory letter to Brazil requesting that the Brazilian domiciled defendant be served notice of the process.”).

²³ See Oliveira, *supra* note 23, at 15 (“[A]ffidavits, notifications by lawyers, by air mail, or any other method of properly serving notice of process according to foreign jurisdictions’ law are invalid if served in Brazilian territory.”).

40. My opinions in the present case proceed on the assumption that the absent foreign class members will not participate or expressly join in the class action proceeding.
41. In light of the discussion above, Latin American countries will refuse to recognize a U.S. class action judgment unfavorable to the interest of their domiciliaries because those domiciliaries were not made parties through an internationally acceptable service of process. In addition, Latin American countries will not recognize a U.S. class action judgment because the absent class members will not participate or expressly join in the proceedings.

C. Latin American Courts Would Conclude that the United States Had Not Validly Obtained Jurisdiction Over the Absent Class Members

42. In order to recognize and enforce a foreign judgment—in this case, a class action judgment (or court-approved settlement) issued by the United States District Court for the Northern District of Texas—Latin American countries would demand that the foreign court have jurisdiction over the parties. Where parties have not taken actions to consent to jurisdiction in the foreign court, Latin American courts will apply principles of jurisdiction developed in international law to determine whether there were significant contacts with the United States, which are necessary to create jurisdiction.
43. This analysis turns not on whether the U.S. court concluded that it could properly exercise jurisdiction over the absent class members under the due process clause of the United States Constitution, but instead turns on the laws of the recognizing country and generally established principles of jurisdiction under private international law.
44. This is the general rule in most Latin American countries. For example, Article 2104.2 of the Civil Code of Peru explicitly states that the foreign court must have jurisdiction according to Peru's own private international law and general principles of international jurisdiction. Article 556 of the Salvadoran Code of Civil Procedure states that the foreign court must have jurisdiction according to the rules of international jurisdiction of El Salvador. Article 423 of the Ecuadorian Private International Law Code states that the original court must have jurisdiction to decide the case according to the international rules of the Bustamante Code. Under Article 423(1) of the Bustamante Code, the foreign court must have jurisdiction "according to the rules in this Code" which means that the jurisdiction seeking to enforce a foreign judgment must apply international rules of jurisdiction and not those of the foreign jurisdiction.²⁴ Other Latin American countries also require that the foreign court must have jurisdiction according to the rules of the country where the judgment is sought to be recognized or enforced.²⁵

²⁴ See Bustamante Code, Article 423.1: "Que tenga competencia para conocer del asunto y juzgarlo, de acuerdo con las reglas de este Código, el juez o tribunal que la haya dictado."

²⁵ See Venezuela Private International Law Act, Article 53.4 (stating that the foreign court must have jurisdiction according to Venezuelan law); Article 483 of the Brazilian Code of Civil Procedure (stating that a foreign judgment will only be enforceable in Brazil if it complies with the Brazilian Supreme Court Rules and the Brazilian Supreme Court Rule 217 (stating that a prerequisite of enforcement of foreign judgments is that the foreign court have

45. Typically, we speak of jurisdiction over the defendant. We do so because the plaintiff consents to jurisdiction by bringing the claim in the forum and because usually the defendant is the one against whom the judgment will be enforced. In the class action setting, however, the absent class member's rights are affected in much the same way as a traditional defendant's rights. Because absent class members do not take affirmative steps to bring a class action, they cannot be said to have consented to the jurisdiction of the U.S. courts. In such circumstances, one simply cannot focus on the defendant to bar the plaintiff.
46. I understand that in this case some putative class members may have filed a proof-of-claim form with the Receiver, subjecting themselves to the jurisdiction of the United States District Court for the Northern District of Texas for all purposes solely related to the claims asserted in the SEC action. The exact words of the jurisdiction clause on the proof-of-claim form are the following:

CONSENT TO JURISDICTION: If you submit a Proof of Claim Form in this case, you consent to the jurisdiction of the District Court for all purposes *related to this claim* and agree to be bound by its decisions, including, without limitation, a determination as to the validity and amount of any *claims asserted against the Receivership Entities*. In submitting a Proof of Claim Form, you agree to be bound by the actions of the District Court even if that means your claim is limited or denied.

Proof of Claim Form, p. 4 (emphases added).

47. Based on this language, one might argue that the receivership is equivalent to an "opt-in" class of those who have filed claims.
48. By its own terms, however, **the consent to jurisdiction was limited to the Receiver's claims process**. The language on the proof-of-claim form is clear that the consent to jurisdiction was "for all purposes related to this claim" and only to "claims asserted against the Receivership Entities."
49. The current lawsuit is different from the SEC action in (at least) two important aspects: (1) the type of proceeding; and (2) the parties involved. First, unlike the SEC action, the current lawsuit is a class action. Second, the current lawsuit is not brought against the Stanford entities, but against the financial institutions they allegedly banked with.
50. The putative class members never subjected themselves to the jurisdiction of this Court for purposes of the class action brought against the financial institutions (different parties), nor have they ever opted into a class action (different type of lawsuit).

jurisdiction over the party). This rule is well settled in the Brazilian legal system. *See* Decree Law 4,657/42, Introductory Law to the Civil Code (stating that a prerequisite of enforcement of foreign judgments is that the foreign court have jurisdiction over the party).

51. The fact that, for purposes of efficiency, these two lawsuits are in the same court and that the plaintiffs have proposed that the proceeds of the second will be distributed through the Receivership created by the first²⁶ should not obscure the fact that these are two completely different lawsuits, and that is how a Latin American court will see the situation. While the SEC action was styled Civil Action No. 3:09-CV-0298-N, *Securities & Exchange Commission v. Stanford International Bank, Ltd., et al.*, the current action is styled Civil Action No 3:09-cv-02199-N, *Lynne Turk et al. v. Pershing LLC et al.*
52. Thus, putative class members' "opt-in" to the Receivership claims process simply has no bearing on their participation in this case.
53. There is a practical way of conceptualizing whether this Court has jurisdiction over the putative absent class members in the class action against the Banking Institutions. One needs only to imagine the inverse situation: would the Banking Institutions be able to sue the foreign investors individually in this Court? Would this Court have jurisdiction over the foreign investors in a lawsuit brought by the Banking Institutions just because it has jurisdiction over them to determine their claims in the SEC action? The obvious answer is no.
54. Submitting a proof-of-claim form to the Receiver cannot be a trap for the foreign investors, who are not subjecting themselves to the general jurisdiction of U.S. courts to be sued by anyone about any claim. It does not matter how a U.S. court views its own jurisdiction for the purposes of this inquiry: the relevant point of view is the perspective of the Latin American countries—that is how a foreign court would see the matter if it is faced with the prospect of enforcing a class action judgment against its domiciliaries.
55. There are simply no accepted standards under which Latin American courts would accept that a U.S. court would have jurisdiction over a foreigner who lacked significant contacts with the United States, unless the foreigner expressly consented to jurisdiction.
56. It is my opinion, therefore, that the vast majority of, if not all, Latin American countries would not recognize a U.S. class action judgment as binding their domiciliaries, because courts in Latin American countries would find that there is a lack of personal jurisdiction over the absent members of the plaintiff class.

III. COUNTRY-BY-COUNTRY ANALYSIS

²⁶ See Janvey Declaration (Oct. 30, 2014) ¶ 19 ("I have been coordinating the above litigation with the investor putative class action litigation against almost identical sets of defendants, and putative class counsel have agreed that for purposes of efficiency, any proceeds recovered from the class action cases will be distributed through the Receivership claims distribution mechanism.") (emphasis added).

57. As described above, there are three general reasons why Latin American countries would not recognize or enforce an opt-out class action for damages against the interest of their domiciliaries: (1) opt-out class action judgments violate public policy; (2) there is no formal service of process to class members by internationally acceptable means; and (3) under Latin American concepts of jurisdiction, the United States cannot validly obtain jurisdiction over absent class members.
58. I now provide an analysis of how these general reasons apply to each of the countries at issue.

Venezuela

59. Venezuela has ratified the 1979 Inter-American Convention on the Extraterritorial Validity of Foreign Judgments and Arbitral Awards.²⁷ Because the United States is not a party to that Convention, the applicable law is the Venezuelan Code of Civil Procedure and rules of Private International Law, which are consistent with the principles in the Convention.
60. According to articles 5 and 53 of the Private International Law Act, a foreign judgment will be recognized in Venezuela as long as, among other things: (1) it is not contrary to the internal public order; (2) the foreign court had jurisdiction over the controversy, according to rules of international jurisdiction provided in the Venezuelan law; and (3) the defendant has received personal service of process in a way to secure his or her right of defense.²⁸
61. Venezuela does not recognize opt-out class actions for individual damages. Venezuelan legislation allows only injunctive class actions for the protection of rights that belong to a group of indeterminate people. The Venezuelan legal system does not recognize a rule that allows an “adequate representative” to represent the individual interests of absent people who are not made parties to a proceeding through service of process. Binding a nonparty would violate the constitutional principle of due process of law. Therefore, a judgment rendered in an opt-out class action for damages would violate Venezuela’s public policy.

²⁷ See *Inter-American Convention on Extraterritorial Validity of Foreign Judgments and Arbitral Awards*, available at <http://www.oas.org/juridico/english/sigs/b-41.html> (last visited June 1st, 2015).

²⁸ See Private International Law Act: Artículo 5. Las situaciones jurídicas creadas de conformidad con un Derecho extranjero que se atribuya competencia de acuerdo con criterios internacionalmente admisibles producirán efectos en la República, a no ser que contradigan los objetivos de las normas venezolanas de conflicto, que el Derecho venezolano reclame competencia exclusiva en la materia respectiva, o que sean manifiestamente incompatibles con los principios esenciales del orden público venezolano. Artículo 53. Las sentencias extranjeras tendrán efecto en Venezuela siempre que reúnan los siguientes requisitos: 4. Que los tribunales del Estado sentenciador tengan jurisdicción para conocer de la causa de acuerdo con los principios generales de jurisdicción consagrados en el Capítulo IX de esta Ley; 5. Que el demandado haya sido debidamente citado, con tiempo suficiente para comparecer, y que se le hayan otorgado en general, las garantías procesales que aseguren una razonable posibilidad de defensa.

62. Venezuela is a signatory to the Inter-American Convention on Letters Rogatory, as is the United States.²⁹ It is therefore expected that class members domiciled in Venezuela will receive notice of the class action proceeding through rogatory letters. Because notice of the class action proceeding to domiciliaries of Venezuela likely would not be effectuated by letters rogatory (or other internationally acceptable means), Venezuela would not recognize or enforce a U.S. opt-out class action judgment against their interests.
63. In order to recognize and enforce a foreign judgment, Venezuelan courts demand that the foreign court have personal jurisdiction according to Venezuela's own rules of private international law and the general principles of international jurisdiction.³⁰ Because Venezuela will consider that the United States does not have international jurisdiction over domiciliaries of Venezuela without contacts in the United States, Venezuela will not recognize or enforce a U.S. opt-out class action judgment against their interest.
64. In summary, it is my opinion that Venezuela would not recognize or enforce a U.S. opt-out class action for damages against the interest of its domiciliaries because Venezuela will find that: (1) a judgment rendered in an opt-out class action for damages would violate Venezuela's public policy; (2) the absent class members were not served with process by internationally acceptable means; and (3) the United States does not have jurisdiction over Venezuela's domiciliaries without contacts in the United States.
65. In the specific case of Venezuela, one aspect cannot be neglected: the lack of judicial independence in that country, coupled with its open anti-American stance would make it almost impossible to recognize a U.S. class action judgment against the interests of Venezuelan citizens. This environment will more likely cut against a company or bank trying to enforce an American judgment against a Venezuelan national, especially in such a notorious case that showcased the failure of the American Financial Market.
66. In addition, considering that the United States has recently denied recognition to a class action judgment from an Ecuadorean court (*Chevron v. Donziger*, 974 F.Supp.2d 362), it is easy to foresee how this event could be used in Venezuela as reason not to recognize a US class action judgment.

Panama

67. Panama has adopted the Bustamante Code. Because the United States does not have a treaty with Panama regarding recognition of foreign judgments, the applicable law is the Panamanian Code of Civil Procedure.

²⁹ See Inter-American Treaty on Letters Rogatory, available at <http://www.oas.org/juridico/english/sigs/b-36.html> (last visited June 1st, 2015).

³⁰ See Private International Law Act: Artículo 53. Las sentencias extranjeras tendrán efecto en Venezuela siempre que reúnan los siguientes requisitos: 4. Que los tribunales del Estado sentenciador tengan jurisdicción para conocer de la causa de acuerdo con los principios generales de jurisdicción consagrados en el Capítulo IX de esta Ley")

68. According to Article 179 of the Code of Private International Law, foreign judgments may be recognized in Panama as long as, among other things: (1) there was personal service of process to the defendant and there was an opportunity to participate in the case (principle of adversariness); and (2) the judgment was issued by a competent court.³¹
69. Panama is a signatory to the Inter-American Convention on Letters Rogatory, as is the United States.³² It is therefore expected that class members domiciled in Panama will receive notice of the class action proceeding through rogatory letters. Because notice of the class action proceeding to domiciliaries of Panama would not be effectuated by letters rogatory (or other internationally acceptable means), Panama will not recognize or enforce a U.S. opt-out class action judgment against their interests.
70. The language of Article 179.1 may be read to imply that the requirement of jurisdiction is deemed satisfied merely when the jurisdiction of the foreign court is not in conflict with the exclusive jurisdiction of Panamanian courts. But there is no reason to assume that the enactment of this provision changed decades of legal tradition in Panama and in the world regarding recognition and enforcement of judgments abroad, especially considering that Panama has adopted the Bustamante Code which provides that the foreign court must have jurisdiction “according to the rules in this Code.”³³ (Article 423.1).
71. Therefore, it is my opinion that Panama will verify whether the U.S. court had jurisdiction over its domiciliaries according to Panama’s own laws and international standards. Because Panama will consider that the United States does not have international jurisdiction over domiciliaries of Panama without contacts in the United States, Panama will not recognize or enforce a U.S. opt-out class action judgment against their interest.
72. In summary, it is my opinion that Panama would not recognize or enforce a U.S. opt-out class action judgment for damages against its domiciliaries because Panama will

³¹ See Código de Derecho Internacional Privado de la República de Panamá, Article 179: “(...) ninguna sentencia dictada en país extranjero podrá ser ejecutada en la República de Panamá si no reúne los siguientes requisitos: 1. Que la sentencia haya sido dictada por un tribunal competente, es decir, que no haya conculcado la competencia privativa de los tribunales panameños. Se entiende que la competencia sobre bienes inmuebles ubicados en la República de Panamá es de competencia privativa de los jueces panameños. 2. Que la sentencia no haya sido dictada en rebeldía, entendiéndose por tal, para los efectos de este artículo, el caso en que la demanda no haya sido personalmente notificada al demandado. Es decir, que el proceso evacuado en el extranjero haya cumplido con el principio del contradictorio. 3. Que la sentencia pronunciada por tribunal extranjero no conculque principios o derechos fundamentales del orden publico panameño.”

³² See Inter-American Treaty on Letters Rogatory, *available at* <http://www.oas.org/juridico/english/sigs/b-36.html> (last visited June 1st, 2015).

³³ See Article 423(1) of the Bustamante Code: “que tenga competencia para conocer del asunto y juzgarlo, de acuerdo con las reglas de este Código, el juez o tribunal que la haya dictado.”

find that: (1) the absent class members were not served with process by internationally acceptable means; and (2) the United States does not have jurisdiction over Panama's domiciliaries without contacts in the United States.

Mexico

73. Mexico has ratified the 1979 Inter-American Convention on the Extraterritorial Validity of Foreign Judgments and Arbitral Awards.³⁴ Because the United States is not a party to that Convention and does not have a treaty with Mexico regarding recognition of foreign judgments, however, the applicable law is the Mexican Code of Civil Procedure, which is consistent with the principles in the Convention.
74. Articles 564, 569 and 571 of the Federal Code of Civil Procedure provide that a foreign judgment will be recognized in Mexico as long as, among other things: (1) it is not contrary to the internal public order according to the Code of Procedure and applicable law; (2) the foreign court had jurisdiction over the controversy, according to rules that are recognized by the international law and compatible to the Mexican Code; and (3) the defendant has received personal service of process in a way to secure his or her right of defense.³⁵
75. Mexico does not recognize opt-out class actions for individual damages. Although in 2011 the country adopted class action legislation, its proceeding is opt-in: absent class members must opt-in to the class action in order to be able to participate in the class action judgment.³⁶ Without the affirmative step of opting-in to a class action, absent class members are not bound by any class action judgment or court approved settlement. Moreover, absent class members may opt-in even after judgment. Therefore, presumably class members will only opt-in to a class action when they agree with its outcome.

³⁴ See *Inter-American Convention on Extraterritorial Validity of Foreign Judgments and Arbitral Awards*, available at <http://www.oas.org/juridico/english/sigs/b-41.html> (last visited June 1st, 2015).

³⁵ See Código Federal de Procedimientos Civiles (Mexico), Artículo 569: "Las sentencias, los laudos arbitrales privados de carácter no comercial y demás resoluciones jurisdiccionales extranjeros tendrán eficacia y serán reconocidos en la República en todo lo que no sea contrario al orden público interno en los términos de este código y demás leyes aplicables, salvo lo dispuesto por los tratados y convenciones de los que México sea parte." Artículo 571, III and IV: Las sentencias, laudos arbitrales privados de carácter no comercial y resoluciones jurisdiccionales dictados en el extranjero, podrán tener fuerza de ejecución si cumplen con las siguientes condiciones: III.- Que el juez o tribunal sentenciador haya tenido competencia para conocer y juzgar el asunto de acuerdo con las reglas reconocidas en el derecho internacional que sean compatibles con las adoptadas por este Código. El Juez o tribunal sentenciador extranjero no tiene competencia cuando exista, en los actos jurídicos de que devenga la resolución que se pretenda ejecutar, una cláusula de sometimiento únicamente a la jurisdicción de tribunales mexicanos; IV.- Que el demandado haya sido notificado o emplazado en forma personal a efecto de asegurarle la garantía de audiencia y el ejercicio de sus defensas;

³⁶ See articles 594 and 605 of the Mexican Code of Civil Procedure (amended 2011) (providing for the need for absent class members to expressly opt in before they could be benefited or bound by a class action judgment).

76. I personally participated in all discussions related to the drafting of the Mexican Class Action Act, enacted in 2011.³⁷ The choice between opt-in and opt-out class action legislation was clearly in front of the Mexican Senate. As a matter of fact, the original class action project presented by the Drafting Committee suggested an opt-out class action. The original proposal was the following:

Any class member may request his or her exclusion from the class action, as long as the request is done in writing in any phase of the proceeding until the final judgment.³⁸

77. One of the reasons traditionally given for the rejection of the opt-out class action is the fear that binding absent class members, especially to an unfavorable decision, in a proceeding to which they were not a party, would violate the due process of law of absent class members. In Mexico and other Latin American countries, there is a strong predisposition to consider opt-out class actions as a violation of the due process of law.
78. Countries that adopted an opt-in class action would consider the idea of an opt-out class action as a violation of their public policy. The idea of a lawsuit that binds class members by their omission from opting-out of a class was considered and expressly rejected. Therefore, these countries would not recognize a foreign opt-out class action judgment (or settlement) against the interest of their nationals.
79. Mexico is a signatory to the Inter-American Convention on Letters Rogatory, as is the United States.³⁹ It is therefore expected that class members domiciled in Mexico will receive notice of the class action proceeding through rogatory letters. Because notice of the class action proceeding to domiciliaries of Mexico likely would not be effectuated by letters rogatory (or other internationally acceptable means), Mexico would not recognize or enforce a U.S. opt-out class action judgment against their interests.
80. In order to recognize and enforce a foreign judgment, Mexican courts demand that the foreign court have personal jurisdiction according to its own rules of private international law and the general principles of international jurisdiction.⁴⁰ Because

³⁷ Together with Professors Alberto Benítez and Eduardo Ferrer Mac-Gregor, I participated as one of the principal academic drafters of the class action bill that led to the enactment of the Mexican Class Action Statute. The adoption of an opt-in class action regime was the decision of the Mexican Senate.

³⁸ “Cualquier miembro de la colectividad o grupo de que se trate podrá pedir su exclusión de dicha colectividad o grupo para efectos del procedimiento colectivo de que se trate, siempre que lo solicite al juez por escrito en cualquier etapa del proceso y hasta antes de dictar sentencia.” See Benítez, Mac-Gregor & Gidi, *Iniciativa de reforma al Código Federal de Procedimientos Civiles*, in GIDI & MAC-GREGOR, *CÓDIGO MODELO DE PROCESOS COLECTIVOS. UN DIÁLOGO IBEROAMERICANO. COMENTARIOS ARTÍCULO POR ARTÍCULO* 447 (2008).

³⁹ See Inter-American Treaty on Letters Rogatory, *available at* <http://www.oas.org/juridico/english/sigs/b-36.html> (last visited June 1st, 2015).

⁴⁰ See Código Federal de Procedimientos Civiles (Mexico), Artículo 571, III: Las sentencias, laudos arbitrales privados de carácter no comercial y resoluciones jurisdiccionales dictados en el extranjero, podrán tener fuerza de

Mexico will consider that the United States does not have international jurisdiction over domiciliaries of Mexico without contacts in the United States, Mexico will not recognize or enforce a U.S. opt-out class action judgment against their interest.

81. In summary, it is my opinion that Mexico would not recognize or enforce a U.S. opt-out class action for damages against the interest of its domiciliaries because Mexico will find that: (1) a judgment rendered in an opt-out class action for damages would violate Mexico's public policy; (2) the absent class members were not served with process by internationally acceptable means; and (3) the United States does not have jurisdiction over Mexico's domiciliaries without contacts in the United States.

IV. CONCLUSION

82. In conclusion, a judgment or court-approved settlement in this U.S. class action proceeding would not be recognized or enforced in Latin American countries because: (1) opt-out class action judgments violate public policy; (2) there is no service of process to absent class members by internationally acceptable means; and (3) the United States has not validly obtained jurisdiction over absent class members.
83. If any member of the plaintiffs' class that is not satisfied with the class judgment or class settlement sues the defendants in their own country, the defendants cannot successfully raise a *res judicata* defense. It is unthinkable that a Latin American country would give preclusive effect to a judgment rendered in an unknown or rejected form of representative litigation issued by a foreign court with no jurisdiction over the Latin American party, and without service of process or opportunity to present claims and arguments.

ejecución si cumplen con las siguientes condiciones: III.- Que el juez o tribunal sentenciador haya tenido competencia para conocer y juzgar el asunto de acuerdo con las reglas reconocidas en el derecho internacional que sean compatibles con las adoptadas por este Código. El Juez o tribunal sentenciador extranjero no tiene competencia cuando exista, en los actos jurídicos de que devenga la resolución que se pretenda ejecutar, una cláusula de sometimiento únicamente a la jurisdicción de tribunales mexicanos.”

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed in Salvador, Bahia, Brazil.

Dated: July 10, 2015

A handwritten signature in black ink, appearing to be 'A. Gidi'.

Antonio Gidi

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EDUCATION

1998 - 2001 University of Pennsylvania Law School, Philadelphia, S.J.D.
 1994 - 2003 PUC University at Sao Paulo, Brazil, Ph.D.
 2000, 2001 University of Paris I Law School (Pantheon-Sorbonne), France, Visiting Scholar
 1996 - 1997 University of Pennsylvania Law School, Philadelphia, Visiting Scholar
 1994 - 1996 University of Milan, Italy, Visiting Scholar
 1991 - 1993 PUC University at Sao Paulo, Brazil, L.L.M.
 1986 - 1990 Federal University of Bahia, Brazil, J.D.
Activities: Senior Editor, Law Review; Research Assistant; Tutor

TEACHING APPOINTMENTS

2013-present **University of Syracuse College of Law**
 Visiting Professor *Taught:* Civil Procedure (13, 14), Torts (13, 14), Comparative Law (14, 15),
 Class Actions (14, 15)

Fall 2012 **University of Tennessee College of Law**
 Visiting Professor *Taught:* Civil Procedure, Comparative Law

2005 – 2012 **University of Houston Law Center**
 Assistant Professor
Taught: Civil Procedure (05, 06, 07, 08, 09, 10, 11), Comparative Law (06, 06, 07, 08, 09, 10, 11, 12),
 International Commercial Arbitration (06), Latin American Law (in Spanish) (05, 06, 07),
 Class Actions (07, 08, 11, 12), Comparative Complex Litigation (07)
Committees: Graduate Legal Studies (05-06, 06-07), IEFS & HJCC Scholarship Review (05-06),
 International Cooperation (07-08, 08-09, 09-10, 10-11, 11-12), Honor Court (11-12)

Summer 2015 **University of Trento Law School, Italy**
 Visiting Professor *Taught:* Comparative Civil Procedure, Class Actions

Summer 2015 **Università degli Studi di Roma “Tor Vergata”, Italy**
 Visiting Professor *Taught:* Comparative Civil Procedure, Class Actions

Summer 2011 **University of Gent Law School, Belgium**
 Marcel Storme Visiting Professor of Law *Taught:* Comparative Civil Procedure, Class Actions

2007-2009 **Universidade de Ribeirão Preto, Brazil**
 Professor of Law *Taught:* Comparative Class Actions, Comparative Civil Procedure, Class Actions

Summer 2008 **ITAM Law School, Mexico City**
 Visiting Professor *Taught:* Comparative Civil Procedure, Comparative Class Actions

2006-2007 **Agostinho Neto University School of Law, Luanda, Angola**
 Academic Adviser and Visiting Professor, LLM Program *Taught:* Introduction to US Law
 Helped create the first LLM Program in Angola (Oil and Gas)

Summer 2006 **Loyola University Law School, Summer Program Abroad**
Taught: Comparative Civil Procedure

Summer 2005 **Penn State Law School, Summer Program in France and Austria**
Taught: Comparative Civil Procedure

2003 – 2005 **University of Detroit Mercy School of Law**
 Assistant Professor
Taught: Civil Procedure (03-04, 04-05), Comparative Law (04, 05), Complex Litigation (05)
Committees: Hiring (03-04, 04-05), Global (03-04, 04-05), Curriculum (04-05), Building (03-04),
 Student Evaluations (04-05), Mexico Program (04-05), Library (04-05)

1997 – 2003 **University of Pennsylvania Law School**
 Lecturer-in-Law
Created and taught: Comparative Civil Procedure, Comparative Professional Responsibility,

Int'l Advocacy, Class Actions in Comparative Perspective

2002 – 2003 **Temple University, Beasley School of Law**
Adjunct Professor. *Taught:* International Litigation and Arbitration

Fall 2000 **Federal University of Bahia, Brazil**
Visiting Professor of Law. *Taught:* Comparative Civil Procedure and Class Actions

1992 – 1994 **PUC University at Sao Paulo, Brazil**
Teaching Assistant *Taught:* Civil Procedure

ACADEMIC APPOINTMENTS

2009 **Mexican Senate**
Consultant to Senator Murillo Karam. Drafted the Current Mexican Class Action Code

2009 **Brazilian Ministry of Justice**
Member of the Advisory Committee. Drafted a Class Action Bill

1997 – 2005 **The American Law Institute**
Associate Reporter. Principles and Rules of Transnational Civil Procedure

2002 – 2005 **Ibero-American Institute of Civil Procedure**
Co-Reporter. Model Class Action Code for Ibero-America

2000 – 2005 **International Institute for the Unification of Private Law (UNIDROIT)**
Secretary. Working Group on Transnational Civil Procedure

2002 – 2003 **The Hague Conference on Private International Law**
Member. Working Group on International Jurisdiction and Judgments

PROFESSIONAL EXPERIENCE

2002 – present Consultant and expert witness in foreign law, international litigation and arbitration, class actions

2001 Fine, Kaplan & Black, Philadelphia, PA
Researcher

1993 – 1994 City of Sao Paulo, Brazil
Staff Attorney, Law Department (Represented the City of Sao Paulo in civil litigation)

1987 - 1989 Law Offices of Ronilda Noblat & Sergio Schlang
Associate, Litigation Department (drafted pleadings, consulted with clients)

PUBLICATIONS

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- Class Action Model Code for Civil Law Countries, Stockholm Center for Commercial Law, June 04, 2003, Stockholm, Sweden [in English]
- Transnational Litigation in Comparative Perspective, Riga Graduate School of Law, June 06, 2003, Riga, Latvia [in English]
- Class Actions in Civil Law Countries, Riga Graduate School of Law, June 06, 2003, Riga, Latvia [in English]
- Class Actions in Comparative Perspective, Faculty Workshop, Osgoode Hall Law School, January 31, 2003, Toronto [in English]
- Class Actions in Comparative Perspective, Faculty Workshop, University of Detroit Mercy School of Law, November 21, 2002, Detroit, U.S.A. [in English]
- Código Modelo de Proceso Colectivo, XVIII Jornadas Iberoamericanas de Derecho Procesal, October 16, 2002, Montevideo, Uruguay [in Spanish]
- Class Actions in Comparative Perspective, Faculty Workshop, Temple University Beasley School of Law, October 30, 2002, Philadelphia, U.S.A. [in English]
- Principios y Normas del Proceso Civil Internacional, IV Curso Anual de Preparación y Capacitación para Profesores de Derecho Procesal, July 20, 2002, Toluca, Mexico [in Spanish]
- Drafting Principles and Rules of Transnational Civil Procedure, British Institute of International and Comparative Law, May 24, 2002, London, England [in English]
- Proyecto de Principios y Normas del Proceso Civil Internacional, Facultad de Derecho de la Universidad Autonoma de Mexico, March 1, 2002, Mexico City, Mexico [in Spanish]
- El Proyecto de Principios y Normas del Proceso Civil Internacional, Center of Uniform Law, February 28, 2002, Mexico City, Mexico [in Spanish]
- Class Actions in Comparative Perspective, Faculty Workshop, University of Miami Law School, Florida, U.S.A. February 2, 2002 [in English]
- Ações Coletivas nos Estados Unidos, Jornadas de Direito Processual Civil, Ministério Público do Paraná, December 14, 2001, Curitiba, Brazil [in Portuguese]
- Class Actions in Comparative Perspective, Faculty Workshop, Louisiana State Law School, Baton Rouge, U.S.A., November 15, 2001 [in English]

Iniciativas para la Formulación de Normas Uniformes en el Ámbito del Derecho Procesal Civil Internacional, Nuevos Retos para el Derecho Procesal Civil Internacional, Universidad de Barcelona, November 5, 2001, Barcelona, Spain [in Spanish]
 Las Acciones Colectivas en el Nuevo Derecho Español. Una Perspectiva Comparada, Mullerat, November 6, 2001, Barcelona, Spain [in Spanish]
 Uses and Abuses of Comparative Law, Federal University of Bahia Law School, September 27, 2001, Salvador, Brazil [in Portuguese]
 Adequacy of Representation in Class Actions, IV Jornadas de Direito Processual Civil, August 8, 2001, Fortaleza, Brazil [in Portuguese]
 Teaching Comparative Civil Procedure, AALS Annual Meeting, January 6, 2001, San Francisco [in English]
 Transnational Litigation in Comparative Perspective, Colloquio Internazionale: Processi di Integrazione e Soluzione delle Controversie, Università degli Studi di Roma “Tor Vergata”, September 9, 2000, Rome, Italy [in Italian]
 Brazilian Class-Action Statutes, Debates Over Group Litigation in Comparative Perspective, Duke University and University of Geneva, July 22, 2000, Geneva, Switzerland [in English]

PARTICIPATION IN PEER EDITED LAW REVIEWS

REVISTA FORENSE Member of the International Board of Editors (2013 - present)
 COMPARATIVE LAW REVIEW Member of the Scientific Council (2012 – present) [Poland]
 AMERICAN JOURNAL OF COMPARATIVE LAW Member of the Board of Editors (2006 - present)
 REVISTA BRASILEIRA DE DIREITO PROCESSUAL Member of the Advisory Board (2009 – present)
 REVISTA BAIANA DE DIREITO, Member of the International Board of Editors (2008 – present)
 REVISTA INTERNACIONAL DE ESTUDIOS DE DERECHO PROCESAL Y ARBITRAJE Member of the Scientific Committee (2007 - present) [Spain]
 REVISTA DO PROGRAMA DE PÓS-GRADUAÇÃO EM DIREITO DA UNIVERSIDADE FEDERAL DA BAHIA, Member of the International Board of Editors (2006 – present)
 REVISTA IBEROAMERICANA DE DERECHO PROCESAL CONSTITUCIONAL Member of the Advisory Committee (2004-present) [Mexico]
 REVISTA DE PROCESSO Member of the Editorial Advisory Board (2002 - present)
 REVISTA DE DIREITO PROCESSUAL CIVIL Member of the Editorial Advisory Board (1996 - present)
 REVISTA CIÊNCIA JURÍDICA Member of the Editorial Advisory Board (1991 - present)

ACTIVITIES

BLACK’S LAW DICTIONARY (2014). Academic Contributor
 The Brazil-United States Legal and Judicial Studies, American University Washington College of Law, Advisory Council (2013 – Present)
 The Hague Conference on Private International Law. “International Jurisdiction and Judgments” Project. Participated initially as an observer for UNIDROIT and then as a member of the drafting working group
 UNCITRAL. United Nations meeting on International Arbitration. Participated as an observer for UNIDROIT
 Cambridge University Press. Peer Reviewer
 Oxford University Press. Peer Reviewer
 Jus Podivm Legal Publishers. Member of the Editorial Advisory Board (2009 – 2010)
 18th International Congress on Comparative Law. Washington 2010. National Reporter for Brazil, Mexico, and the United States.

BAR ADMISSIONS AND ACADEMIC AFFILIATIONS

ASCL	American Society of Comparative Law Board of Directors (02-06), Executive Committee (07-09), Research and Service (05 – present)
OAB	Admitted to the Brazilian Bar Association, Bahia and Sao Paulo Chapters
IAPL	Member of the International Association of Procedural Law
IIDP	Member of the Ibero-American Institute of Procedural Law
IBDP	Member of the Brazilian Institute of Procedural Law
IAB	Member of the Brazilian Law Institute
CNPDP	Member of the Mexican Association of Civil Procedure Professors

LANGUAGES

Fluent in **Portuguese, English, Italian, Spanish**. Proficient in **French**

TEACHING SUBJECTS

All subjects related to **Civil Procedure, Torts, Comparative Law, and International Law**, such as Int'l Litigation, Comparative Civil Procedure, Class Actions, Remedies, Evidence, Torts, Federal Courts, Complex Litigation, Judicial Administration, Judicial Process, Mass Torts, Comparative Legal Traditions, Int'l Arbitration, Int'l Business Transactions, Int'l Trade, WTO, Public Int'l Law, Private Int'l Law, Alternative Dispute Resolution, Int'l Organizations, European Union Law, Latin American Law and Institutions

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